

107TH CONGRESS
2D SESSION

H. R. 5575

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2002

Mr. KIRK (for himself, Mr. LANGEVIN, Mr. THOMAS, and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLA-**
2 **TIONS AND RESERVE COMPONENT FACILI-**
3 **TIES AS POLLING PLACES.**

4 (a) LIMITED USE OF MILITARY INSTALLATIONS AU-
5 THORIZED.—Section 2670 of title 10, United States Code,
6 is amended—

7 (1) by striking “Under” and inserting “(a) USE
8 BY RED CROSS.—Under”;

9 (2) by striking “this section” and inserting
10 “this subsection”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(b) USE AS POLLING PLACES.—(1) Notwith-
14 standing any other provision of law, the Secretary of a
15 military department may make a building located on a
16 military installation under the jurisdiction of the Secretary
17 available for use as a polling place in any Federal, State,
18 or local public election, but only if such use is limited to
19 eligible voters who reside on that military installation.

20 “(2) If a building located on a military installation
21 is made available under paragraph (1) as the site of a
22 polling place, the Secretary shall continue to make the
23 building available for subsequent elections for public office
24 unless the Secretary provides to the appropriate State or
25 local election officials advance notice, in a reasonable and

1 timely manner, of the reasons why the building will no
2 longer be made available as a polling place.

3 “(3) In this section, the term ‘military installation’
4 has the meaning given the term in section 2687(e) of this
5 title.”.

6 (b) USE OF RESERVE COMPONENT FACILITIES.—(1)
7 Section 18235 of title 10, United States Code, is amended
8 by adding at the end the following new subsection:

9 “(c) Pursuant to a lease or other agreement under
10 subsection (a)(2), the Secretary may make a facility cov-
11 ered by subsection (a) available for use as a polling place
12 in any Federal, State, or local public election notwith-
13 standing any other provision of law. If a facility is made
14 available as the site of a polling place with respect to an
15 election for public office, the Secretary shall continue to
16 make the facility available for subsequent elections for
17 public office unless the Secretary provides to the appro-
18 priate State or local election officials advance notice, in
19 a reasonable and timely manner, of the reasons why the
20 facility will no longer be made available as a polling
21 place.”.

22 (2) Section 18236 of such title is amended by adding
23 at the end the following:

24 “(e) Pursuant to a lease or other agreement under
25 subsection (c)(1), a State may make a facility covered by

1 subsection (c) available for use as a polling place in any
2 Federal, State, or local public election notwithstanding
3 any other provision of law.”.

4 (c) CONFORMING AMENDMENTS TO TITLE 18.—(1)
5 Section 592 of title 18, United States Code, is amended
6 by adding at the end the following new sentence:

7 “This section shall not apply to the actions of mem-
8 bers of the Armed Forces at any polling place on a mili-
9 tary installation where a general or special election is held
10 in accordance with section 2670(b), 18235, or 18236 of
11 title 10.”.

12 (2) Section 593 of such title is amended by adding
13 at the end the following new sentence:

14 “This section shall not apply to the actions of mem-
15 bers of the Armed Forces at any polling place on a mili-
16 tary installation where a general or special election is held
17 in accordance with section 2670(b), 18235, or 18236 of
18 title 10.”.

19 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
20 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.
21 1972) is amended by adding at the end the following new
22 sentence: “Making a military installation or reserve com-
23 ponent facility available as a polling place in a Federal,
24 State, or local public election in accordance with section

1 2670(b), 18235, or 18236 of title 10, United States Code,
2 is deemed to be consistent with this section.”.

3 (e) CLERICAL AMENDMENTS.—(1) The heading of
4 section 2670 of title 10, United States Code, is amended
5 to read as follows:

6 “§ 2670. **Buildings on military installations: use by**
7 **American National Red Cross and as poll-**
8 **ing places in Federal, State, and local**
9 **elections”.**

10 (2) The item relating to such section in the table of
11 sections at the beginning of chapter 159 of such title is
12 amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross
and as polling places in Federal, State, and local elections.”.

